

**The Rhode Island Department of Environmental Management's
revised Water Quality Regulations, dated August 6, 1997,
Regulation EVM 112-88.97-1, will take effect on August 26, 1997**

This fact sheet discusses that section of Rule 13 of the revised Water Quality Regulations cited above which identifies new requirements for the State Water Quality Certificate Approval Process.

Certain activities require an applicant to obtain a Water Quality Certificate (WQC) which certifies that the proposed project does not violate the State Water Quality Regulations. Rule 13 defines these activities to include federal projects, as defined in Section 401 of the Clean Water Act, and certain projects located in the Rhode Island coastal zone.

✓ Section 401 of the Clean Water Act requires all applicants for Federal permits for projects which will result in a discharge to waters of the State to obtain a State WQC. The WQCs were previously issued by the RIDEM to the appropriate federal agency. Rule 13 of the revised regulations requires that an applicant for such projects must now apply for and obtain a WQC directly from the State prior to commencement of the project, with the following exceptions:

Projects which fall under the Army Corps of Engineers (ACOE) Programmatic General Permit (PGP) and require a RIDEM Freshwater Wetlands (FWW) Permit (the WQC will be issued through the PGP review process).

Projects which require an Individual Permit from the ACOE or a Federal Energy Regulatory Commission (FERC) permit and require a RIDEM FWW permit (the WQC will be issued through the FWW review process).

✓ Applicants for the following types of projects located in the coastal zone are now required to apply for and receive a WQC directly from the RIDEM prior to commencement of the project even if the project falls under the ACOE PGP process:

Dredging and dredged material disposal¹;

Filling of Waters of the State;

Site Disturbances which have the potential to contribute increased pollutants to a Water of the State, specifically:

- residential development of six (6) or more units;
- any commercial, industrial, state, municipal land development; or
- any project which disturbs five (5) or more acres²;

Marinas: construction of new facilities or expansion of existing facilities;

Flow Alterations to a surface water body³;

Harbor Management Plans for those elements which will likely affect water quality;

A point source discharge of pollutants².

✓ WQC Applications are available at the RIDEM, Office of Water Resources, 235 Promenade St. Providence, RI 02908-5767. Any questions can be addressed to Jean Lambert or Terry Walsh of the WQC Program at 401-277-6820.

1. Standards applied under these activities shall conform with federal EPA applicable water quality rules, regulations, and guidelines, in accordance with the Marine Infrastructure Maintenance Act of 1996.

2. The permit required under the Rhode Island Pollutant Discharge Elimination System Regulations may act as the Water Quality Certification for the discharge.

3. Flow alterations for agricultural irrigation will be managed through coordination with DEM/Agriculture.